

(202) 626-6615

December 19, 2002

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation
Improving Public Safety Communications in the 800 MHz Band
Consolidating the 900 MHz Industrial/Land Transportation and
Business Pool Channels
WT Docket No. 02-55

Dear Ms. Dortch:

On December 18 and 19, 2002, representatives of the Border Area Coalition met with Commission staff to discuss their shared concerns in the above captioned 800 MHz proceeding. On December 18th, Border Area Coalition representatives met separately with John Branscome, Acting Legal Advisor to Commissioner Abernathy, and Paul Margie, Legal Advisor to Commission Cops. The Border Area Coalition also met with representatives of the Wireless Bureau, including Michael Wilhelm, Karen Franklin, John Evanoff, Brian Marenco and Timothy Maguire. On December 19th, Border Area Coalition representatives met separately with Bryan Tramont, Senior Legal Advisor to Chairman Powell, Sam Feder, Legal Advisor to Commissioner Martin, and Barry Ohlson, Acting Legal Advisor to Commissioner Adelstein.

Participating in these meetings for the Border Area Coalition were Curt Munro, Manager of the San Diego County Sheriff's Department, Communications Division, Wireless Services Unit, Joe Webster, representing Pinnacle West (the Arizona Public Service Company), and Doug Yarbrough of The Boeing Company. Also in attendance were James R. Hobson of Miller & Van Eaton, representing the City of San Diego and County of San Diego, and Bruce Olcott of Squire, Sanders & Dempsey, representing Boeing.

During the *ex parte* meetings, representatives of the Border Area Coalition described their 800 MHz operations within the Mexican and Canadian border areas. The representatives

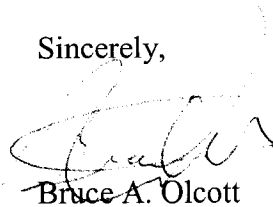
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also explained their concerns and recommendations in the proceeding, which are detailed in the attached materials, which were distributed during the meetings. The attached materials also list the current membership of the Border Area Coalition.

Thank you for your attention to this matter. If you have any questions about this filing, please contact the undersigned.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce A. Olcott", is written over a horizontal line.

Bruce A. Olcott

Cc: James Hobson
Bryan Tramont
Sam Feder
Barry Ohlson
John Branscome
Paul Margie
Michael Wilhelm
Karen Franklin
John Evanoff
Brian Marengo
Timothy Maguire

**A Border Area Solution to the
Public Safety Interference Problem**
WT Docket No. 02-55

- The Border Area Coalition is dedicated to resolve 800 MHz interference issues within the Canadian and Mexican Border Areas in conjunction with solving 800 MHz interference issues throughout the United States.
- The Coalition seeks to recommend 800 MHz Border Area solutions using technical and other measures that solve interference and spectrum allocation issues with:
 - Compensation arrangements acceptable to all involved parties,
 - The least disruption to all current licensees, and
 - A “Do No Harm Policy” for current 800 MHz licensees in Border Areas.
- Any proposed solution to the 800 MHz interference problem must devote special attention to spectrum sharing in Border Areas.
 - Bilateral coordination agreements with Canada and Mexico often only make available to U.S. licensees half the spectrum in the 800 MHz band.
 - Re-banding could violate agreements by moving U.S. users to non-U.S. channels.
 - Renegotiating bilateral agreements could be a lengthy process.
- Proposals submitted to date for solving the 800 MHz Public Safety interference issue have not adequately addressed Border Area spectrum sharing.
 - Original “Consensus” Proposal did not address Border Areas, claiming only “existing proportionate...allocations...will be maintained.”
 - Other Border Area proposals to date are inadequate and do not present proportionate spectrum for current licensees.
- The best approach would be a solution that resolves interference in the entire U.S., including the Border Areas, simultaneously.
 - If required, renegotiate bilateral agreements with Canada and Mexico prior to implementing any 800 MHz rebanding plan.
 - During renegotiations, border licensees must be permitted to use current channel assignments on a primary basis, including assignments secured through waiver.
- As an interim solution, focus on resolving harmful interference in Border Areas.
 - Interference often could be eliminated using technical solutions and discrete frequency reassignments crafted by frequency coordinators and affected parties.
 - The FCC should actively enforce existing rules for resolving interference and should intervene to address complaints of unabated and continued interference.

Border Area Coalition

Strategies for Solving the
800 MHz Public Safety
Interference Issue

Border Area Coalition Mission Statement

- The Border Area Coalition is dedicated to resolve 800 MHz interference issues within the Canadian and Mexican border areas in conjunction with solving 800 MHz interference issues throughout the United States

Border Area Coalition

- City of San Diego, CA
- Consumers Energy Company, MI
- Daimler-Chrysler, MI
- Pinnacle West Capital Corporation, AZ
(Arizona Public Service Company)
- San Diego, Imperial County, CA
- Snohomish County, WA
- The Boeing Company, WA
- Wiztronics, WA

Representation from All Sectors

- Public Safety
- Private Radio
- Utilities
- State & Local Government

57,920 Transceivers,
using 872 Channels (pairs),
Covering 168,272 Square Miles

Border Area Coalition Goal

- Recommend 800 MHz border area solutions using technical and other measures that clearly solve all interference and spectrum allocation issues in border areas with:
 - Compensation arrangements acceptable to all involved parties
 - The least disruption to all current licensees
 - A “Do No Harm Policy” for current 800 MHz licensees in border areas

Border Area Coalition Concern

- Proposals submitted to date for solving the 800 MHz Public Safety Interference Issue have not adequately addressed border areas
 - Original “Consensus” Proposal did not address border areas, claiming only “existing proportionate...allocations...will be maintained”
 - Other border area proposals to date are inadequate and do not present proportionate spectrum for current licensees
 - Proposals to date do not address contiguous, interoperable, mutual aid channel allocations

Border Area Coalition Concern

- Proposals submitted to date do not adequately address the issues involved in renegotiation of bilateral agreements for border areas
 - Bilateral coordination agreements often only make available to U.S. licensees half the spectrum in the 800 MHz band
 - Re-banding could violate agreements by moving U.S. licensees (including Public Safety licensees) to non-U.S. channels
 - Even if Canada and/or Mexico agree to revise agreements, negotiations could be lengthy, delaying implementation of interference solutions

Border Area Coalition

Recommendation 1

- Preferred approach would be a solution that resolves interference in the entire U.S., including the border areas, simultaneously
 - Mutual aid within and outside border areas for Public Safety users requires common radios and spectrum allocations
 - Adopting a solution in only parts of U.S. may make it more difficult to implement some proposals
 - Partial national implementation could delay redesign of Public Safety receivers to reject interference from other users

Border Area Coalition

Recommendation 2

- Develop solutions for specific border areas that are compatible with U.S./Canadian and U.S./Mexican bilateral agreements
 - Avoids “global” rebanding of border areas by resolving all Public Safety interference issues with minimal re-tuning and re-equipping of Public Safety, B/ILT and other incumbents
 - Seeks regional optimality by reassigning frequencies only when necessary to resolve Public Safety interference issues
 - Allows flexibility in assignment of “green spectrum” that can be used for transition to resolve Public Safety interference

Border Area Coalition

Recommendation 3

- If required, renegotiate U.S./Canadian and U.S./Mexican bilateral agreements prior to implementing any 800 MHz rebanding plan
 - Use of Canadian or Mexican channels in the U.S. should be permitted only on a non-interference basis following public notice and coordination
 - Eliminate offset channel requirement within the Mexican border zone
 - Develop a channel plan in border areas that insures that channel and co-channel uses are compatible on both sides of the border and border zones
 - Revise border zone operational standards by applying emission level limits at the border

Border Area Coalition

Recommendation 4

- Border area licensees must be permitted to continue to use current channel assignments on a primary basis during any bilateral renegotiation process, including channel assignments secured through waiver
 - As an interim solution, focus on resolving harmful interference rather than wholesale re-banding
 - Interference should be, and often could be, eliminated using technical solutions and discrete frequency reassignments crafted by frequency coordinators and affected parties
 - The FCC should actively enforce existing rules for resolving interference and should intervene to address complaints of unabated and continued interference

Border Area Coalition

Recommendation 5

- The Commission should adopt technical solutions that address all 800 MHz interference issues
 - Transmitters should be installed pursuant to OEM recommendations using combiners with band-pass/tunable cavities designed to minimize noise where appropriate
 - Eliminate use of wide-band hybrid type combiners where technology is known to contribute to interference problems
 - Require that all proposed low level site installations be coordinated and documented to allow database searches to be performed to aid in interference investigation
 - Regulate out-of-channel emission specifications at low level sites

Border Area Coalition

Recommendation 6

- Encourage local planning (land use) and other solutions that protect Public Safety agencies and Critical Infrastructure Industries from the effects of low level transmitter site interference
 - Provide standards that are flexible enough not to restrict SMR and B/ILT system operators but protect Public Safety from harmful interference
 - Require interfering parties to provide Public Safety agencies with enhanced coverage to overcome harmful interference on a selective basis
 - Insure that coordination rules take into account possible impacts to Public Safety agencies

Border Area Coalition

Recommendation 7

- Promote creation of, and provide expert support for, International Working Groups along the U.S./Canadian and U.S./Mexican borders to:
 - Provide mechanism for resolution of interference issues, improve frequency coordination, review requests for waivers and other special circumstances and insure that quick resolutions are provided for identified issues
 - Such International Working Groups already exist in some border areas (such as Region 5 – Seattle/Puget Sound) and have proven to be very effective

Border Area Coalition

Conclusion

- The FCC should first attempt to solve the 800 MHz interference problem with a single, nationwide solution
- Serious consideration should be given to those proposals and solutions that solve the 800 MHz interference problem without having to renegotiate bilateral agreements with Canada and/or Mexico and minimizes wholesale rebanding
- During any renegotiation of bilateral agreements with Canada and/or Mexico, border area licensees must be permitted to continue to use current channel assignments, including channel assignments secured through waiver